

## Silverberg P.C.

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320 Carleton Ave., Suite 6400, Central Islip, New York 11722  
Phone: 631-778-6077  
www.silverbergpclaw.com

KARL SILVERBERG  
ksilverberg@silverbergpclaw.com

February 16, 2022

**VIA ECF and Email  
(CronanNYSDChambers@nysd.uscourts.gov)**

Hon. John P. Cronan, USDJ  
United States District Court, SDNY  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *FXR Construction, Inc. v. Federal Insurance Company aka Chubb et al., SDNY Dock. # 20-cv-11086-JPC***  
**Sub-Re: Request Permission to Amend the Complaint**

Dear Hon. John P. Cronan,

My office represents plaintiff FXR Construction, Inc. (“FXR”). By Order dated February 11, 2022, ECF Doc. 42, this Court directed plaintiff FXR to “submit an affidavit outlining all Defendants’ citizenships.” FXR has filed its affidavit. As part of responding to the Order, I obtained a property title search to look for potential necessary parties under the New York Lien Law. There appears to be potential necessary parties that would destroy diversity under FXR’s mechanic’s lien bond cause of action.

As such, I ask the Court for permission to allow FXR to amend its complaint to remove its mechanic’s lien bond cause of action (cause of action #2 – mistakenly designated as #5) so as to preserve federal court jurisdiction. The amended complaint would leave a payment bond claim in place.

The request is granted. Plaintiff shall file an amended complaint by March 9, 2022. The pending motion to dismiss, Dkt. 19, is denied as moot.

SO ORDERED.

Date: February 16, 2022

New York, New York



JOHN P. CRONAN  
United States District Judge

Very truly yours,

/s/ Karl Silverberg

Karl Silverberg